


No objections to the magistrate judge's findings and recommendations have been filed in the time and manner required by 28 U.S.C. § 636(b)(1)(C) and Rule 72, Federal Rules of Civil

Procedure. In addition, the court's independent review confirms the correctness of the magistrate judge's proposed disposition. Accordingly, it is **ORDERED**:

1. The magistrate judge's report is hereby **ADOPTED**;
2. The parties' joint motion to dismiss (Docket Nos. 29 & 34) is **GRANTED**;
3. A final judgment will be entered separately; and
4. The purpose of the referral having been served, reference to the magistrate judge is **VACATED**.

SIGNED this the **10** day of **October, 2008**.


Thad Heartfield
United States District Judge